

**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new non provisional applications under 37 CFR 1.53 (b))

Attorney Docket No.	83166
First Inventor	Kent Whitham
Title	Apparatus and Method for Fin Actuation in a Portable
Express Mail label No.	ER 213353205 US

22866 U.S. PRO  
10/668126

09/22/03

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents

ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

- 1.
- ☒
- Fee Transmittal Form (e.g. PTO/SB/17)

(Submit an original, and a duplicate for the processing)

- 2.
- ☒
- Applicant claims small entity status

See 37 CFR 1.27

- 3.
- ☒
- Specification (Total pages
- 15
- )

(preferred arrangement set forth below)

- Descriptive title of the invention
- Cross References to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table, or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

- 4.
- ☒
- Drawing(s) (35 U.S.C. 113) (Total sheets
- 1
- )

- 5.
- ☒
- Oath or Declaration (Total pages
- 1
- )

- a.
- ☒
- Newly executed (original or copy)

- b.
- ☐
- Copy for prior application (37 CFR 1.63(d))

(for continuation / divisional with Box 18 completed)

- i.
- ☐
- Deletion of Inventor(s)

Signed statement attached deleting inventor(s)  
named in the prior application, see 37 C.F.R.  
1.63 (d) (2) and 1.33 (b)

6.

- 7.
- ☐
- CD-ROM or CF-R in duplicate, large table or
- 
- Computer Program (Appendix)

8. Nucleotide and/or Amino Acid Sequence Submission
- 
- (if applicable, all necessary)

- a.
- ☐
- Computer Readable From (CRF)

- b. Specification Sequence Listing on:

- i.
- ☐
- CD-ROM or CD-R (2 copies); or

- ii.
- ☐
- paper

- c.
- ☐
- Statement verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

- 9.
- ☒
- Assignment Papers (cover sheet & document(s))

- 10.
- ☐
- 37 CFR 3.73(b) Statement

(when there is an assignee)

- ☒
- Power of Attorney

- 11.
- ☐
- English Translation Document (if applicable)

- 12.
- ☐
- Information Disclosure
- 
- Statement (IDS)/PTO-1449

- ☐
- Copies Of IDS
- 
- Citations

- 13.
- ☐
- Preliminary Amendment

- 14.
- ☒
- Return Receipt Postcard (MPEP 503)

(Should be specifically itemized)

- 15.
- ☐
- Certified Copy of Priority Document(s)

(if foreign priority is claimed)

- 16.
- ☒
- Request and Certification under 35 U.S.C. 122
- 
- (b)(2)(B)(i). Applicant must attach form PTO/SB/35
- 
- or its equivalent.

- 17.
- ☒
- Other Certificate of Mailing

18. If a CONTINUING APPLICATION check appropriate box, and supply the requisite information below and in a preliminary amendment,  
or in an Application Data Sheet under 37 CFR 1.76:☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No.:

Prior application information:

Examiner

Group/Art Unit

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior art application, from which an oath or declaration is supplied under  
Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.  
The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.**19. CORRESPONDENCE ADDRESS**☐ Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or ☒ Correspondence Address Below

Name NAWCWD Code K00000D

Address 1 Administration Circle Stop 1009

City China Lake

State

CA

Zip Code

93555-6100

Country USA

Telephone

760-939-0772

Fax

760-939-0679

Name

Laura R. Foster

Reg No.

45,860

Signature

Date

22 Sep 2003

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**FEE TRANSMITTAL  
FOR FY 2003**

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT **\$898.00****Complete if known**

Application Number

Filing Date

First Named Inventor

Kent Whitham

Examiner Name

Art Unit

Attorney Docket No.

83166

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☒ Other ☐ None☒ Deposit AccountDeposit Account Number **50-0931**Deposit Account Name **NAWCWD - Pt Mugu/ China Lake**

The Commissioner is authorized to: (check all that apply)

☒ Charge fee (s) indicated below ☐ Credit any overpayments☒ Charge any additional fee (s) during the pendency of this application☐ Charge (s) indicated below, except for the filing fee to the above - identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	<b>\$750.00</b>
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					<b>\$750.00</b>

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Extra Claims Fee from below

Total Claims **26** -20\*\* = **6** X **18** = **\$108.00**

Independent Claims **3** -3\*\* = **0** X  =

Multiple Dependent  =

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	16	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					<b>\$108.00</b>

\*\* or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	<b>\$40.00</b>
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129 (b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					
* Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					<b>\$40.00</b>

SUBMITTED BY

(Complete if applicable)

Name (Print/ Type)

Laura R. Foster

Registration No.  
(Attorney / Agent)

45,860

Telephone

760-939-0772

Signature

Date

22 Sep 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. Information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and / or suggestions for reducing this burden, should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

**NON PUBLICATION REQUEST  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor Kent Whitham

Title Apparatus and Method for Fin Actuation in a Portable Missile

Attorney Docket Number 83166

I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

9/22/2003



Laura R. Foster

45,860

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application upon filing.

Applicant may rescind this non publication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).

**C rtificat of Mailing under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Assistant Commissioner for Patents  
Washington, D.C. 20231

on 22 Sep 2003  
Date

  
Signature

Val Hall, Legal Assistant  
Typed or printed name of person of signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Attorney Docket No. 83166

Transmittal Form (orig&copy)	2pp
Fee Transmittal Form (orig& copy)	2pp
Application (orig)	15pp
Drawings (orig)	1pp
Recordation Form (orig&copy)	2pp
Assignment (orig & copy)	2pp
Declaration & POA (orig & copy)	2pp
Non Publication Req (orig)	1pp
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